

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD COOEY, et al.,)	
)	
Plaintiff,)	
)	Case No. 2:04cv1156
v.)	
)	Judge Gregory L. Frost
ROBERT TAFT, Governor, et al.,)	Magistrate Judge Mark R. Abel
)	
Defendants.)	
)	

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff-Intervenor John G. Spirko, Jr. hereby voluntarily dismisses his complaint in this action (Doc. # 138) without prejudice and withdraws from this action. Mr. Spirko moved to intervene into this lawsuit on November 7, 2006 (Doc. # 119), and this Court permitted him to intervene on November 22, 2006 (Doc. # 137). Defendants have not yet filed an answer to Mr. Spirko's complaint or a motion for summary judgment.

DATED: January 22, 2008

Respectfully submitted,

/s/ Alvin Dunn

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2008, a true and correct copy of the foregoing Notice of Dismissal Without Prejudice has been electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, the following parties were served via first-class, postage-prepaid U.S. mail:

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